

SEP 02 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAVIER TIZON PUIG, Jr.,

Petitioner,

v.

ERIC H. HOLDER Jr., Attorney General,

Respondent.

No. 05-70873

Agency No. A043-422-763

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted August 20, 2009 **

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

Javier Tizon Puig Jr., a native and citizen of the Philippines, petitions for review of the Board of Immigration Appeals' order dismissing his appeal from an immigration judge's removal order. We dismiss the petition for review.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

We lack jurisdiction to review the agency’s discretionary determination that Puig’s aggravated felony conviction for “lewd or lascivious acts with a child under 14 years of age” in violation of California Penal Code section 288(a) is a particularly serious crime rendering him ineligible for withholding of removal. *See* 8 U.S.C. § 1252(a)(2)(B)(ii); *Matsuk v. INS*, 247 F.3d 999, 1002 (9th Cir. 2001).

PETITION FOR REVIEW DISMISSED.